IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6706 of 2005

Between:

Mohd. Khan, S/o. Jeevan Khan,
R/o. Vinukonda Village & Mandal, Guntur District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Khammam ,
Khammam District.
2 The Assistant Motor Vehicle Inspector, Enforcement, Khammam ,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. APD 5973 vide Vehicle Check Report No. 1785742, dt. 5-3-2004 under Sec. 8 of A.P. Motor Vehicle taxation Act and Sec. 207 of M.V. Act as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. APD 5973 to the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the stage of admission, made the following ORDER: (Per BRSR,J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport. At their request the writ petition itself is taken up for final disposal at the stage of admission. Issue Rule Nisi.

The petitioner's vehicle – Tractor, bearing Registration No.APD 5973, as is evident from the Vehicle Check Report No.1785742, dated 05.03.2004, was stopped and checked while the tractor was proceeding to Khammam from Yellandu. The authority found the following irregularities:

> "(a) without any documents of the tractor,
> (b) without driving license and
>
> (c) no proof of tax etc."

Learned counsel for the petitioner invited our attention to the application dated 14.03.2005 filed by the petitioner requesting the authority to release the vehicle. Admittedly, the application filed by the petitioner seeking release of the vehicle is not inconformity with the judgment rendered by this Court in **SALEEM TOURS AND TRAVELS v. JOINT TRANSPORT COMMISSIONER SECRETARY, RTA.** Obviously, for such reason, the authority did not release the vehicle.

In the circumstances, we cannot grant any relief to the petitioner, in this case, at this stage. However, it shall be open to the petitioner to file proper application, which

shall be considered and disposed of by the respondents in accordance with law within three days from the date of filing of such application. There shall be an order accordingly.

Accordingly, the writ petition is disposed of at the admission stage.

(B. Sudershan Reddy, J)

11.04.2005

(C.V. Ramulu, J)

Note: Furnish CC in 3 days

B/o

VA/GJ

To

1 The Secretary, Regional Transport Authority, Khammam ,
Khammam District.
2 The Assistant Motor Vehicle Inspector, Enforcement, Khammam ,
Khammam District.

3 Two CCs to G.P. for Transport, High Court of A.P. Buildings, Hyderabad (O.U.T.)

4 Two CD Copies